

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI**

**DIVISION: 6**

**By HON. WARREN R. DARROW**

**CASE NO. P1300CR20081339**

**JEANNE HICKS, CLERK**

**By: Heather Smith, Deputy Clerk**

**DATE: September 16, 2010**

**FILED**

**DATE: 09/16/10**

**9:21 O'Clock A.M.**

**JEANNE HICKS, CLERK**

**BY: HEATHER SMITH**

**Deputy**

**TITLE:**

**STATE OF ARIZONA**

(Plaintiff)

**Vs.**

**STEVEN CARROLL DEMOCKER**

(D-1)

(Defendant)

**COUNSEL:**

**Yavapai County Attorney (e)**

(For Plaintiff)

**John Sears (e)**

**Larry Hammond & Anne Chapman (e)**

**OSBORN MALEDON, P.A.**

(For Defendant)

**HEARING ON:**

Jury Trial – Day 50

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Roxanne Tarn/Kathy Johnston

**START TIME: 9:21 a.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant  
Steven Carroll Democker, Defendant in Custody

At 9:21 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Detective Paul Alan Lindvay resumes testifying, having previously been sworn.

Counsel for State moves for the admission of exhibit 641. Counsel for Defendant has no objection. Exhibit 641 is admitted.

Counsel for State moves for the admission of exhibit 3275. Counsel for Defendant has no objection. Exhibit 3275 is admitted.

Counsel for State moves for the admission of exhibits 3272, 3273 and 3274 for foundation purposes only. Counsel for Defendant has no objection after *voir dire*. Exhibits 3272, 3273 and 3274 are admitted.

Court and counsel meet at sidebar, off the record, outside the presence of the Jury Panel.

Court relays the questions to the witness.

The witness is excused at this time, however; is subject to recall.

Court notes, this is the time for the for morning recess. Court reminds the Jury panel of the admonition. The Jury Panel shall return in 15 minutes.

\*\*\*\*\* Recess at 10:30 a.m. \*\*\*\*\*

At 10:56 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Roger Hoover is sworn and testifies.

Counsel for Defendant moves for the admission of exhibit 643. Counsel for Defendant has no objection based upon the agreement for redaction. Exhibit 643 is admitted and will not be shown to the Jury Panel without a redaction.

Counsel for Defendant stipulate the cell phone with the assigned number of 928-713-1919 belongs to Steven Democker.

Counsel further stipulate the cell phone with the assigned number of 928-713-4187 belonged to Virginia Carol Kennedy.

Counsel further stipulate the cell phone with the assigned number of 928-848-9639 is the cell phone found in the blue wet dry bag adjacent to Hassayampa Golf Course.

Court accepts the stipulation.

Counsel for State moves for the admission of exhibit 3351. Counsel for Defendant has no objection. Exhibit 3351 is admitted.

Counsel for State moves for the admission of exhibit 3280. Counsel for Defendant has no objection. Exhibit 3280 is admitted.

Counsel for State moves for the admission of exhibit 3350. Counsel for Defendant has no objection. Exhibit 3350 is admitted.

Counsel for State moves for the admission of exhibits 3313 and 3314. Counsel for Defendant has no objection. Exhibits 3313 and 3314 are admitted.

Counsel for State moves for the admission of exhibit 3320. Counsel for Defendant has no objection. Exhibit 3320 is admitted.

Counsel for State moves for the admission of exhibits 3321, 3322, 3323, 3324 and 3325. Counsel for Defendant has no objection. Exhibits 3321, 3322, 3323, 3324 and 3325 are admitted.

Counsel for State moves for the admission of exhibits 3326 and 3327. Counsel for Defendant has no objection. Exhibits 3326 and 3327 are admitted.

Counsel for State moves for the admission of exhibits 3328 and 3329. Counsel for Defendant has no objection. Exhibits 3328 and 3329 are admitted.

Counsel for State moves for the admission of exhibits 3330 and 3331. Counsel for Defendant has no objection. Exhibits 3330 and 3331 are admitted.

Counsel for State moves for the admission of exhibit 3332. Counsel for Defendant has no objection. Exhibit 3332 is admitted.

Counsel for State moves for the admission of exhibits 3333, 3334 and 3335. Counsel for Defendant has no objection. Exhibits 3333, 3334 and 3335 are admitted.

Counsel for State moves for the admission of exhibit 3347. Counsel for Defendant has no objection. Exhibit 3347 is admitted.

Counsel for State moves for the admission of exhibit 3352 for demonstrative purposes . Counsel for Defendant has no objection. Exhibit 3352 is admitted.

Court notes, this is the time for the afternoon recess. The Jury Panel shall return at 130 p.m.

At 12:02 p.m., the Jury Panel exits the Courtroom.

Court directs the parties to return at 1:20 p.m.

\*\*\*\*\* Recess at 12:02 p.m. \*\*\*\*\*

At 1:37 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Roger Hoover resumes testifying, having previously been sworn.

Counsel for Defendant moves for the admission of exhibit 3281. Counsel for State has no objection. Exhibit 3281 is admitted.

Counsel for the Defendant requests the admission of exhibits 3348 and 3349. Counsel for State has no objection. Exhibits 3348 and 3349 are admitted.

Counsel for Defendant requests the admission of exhibits 3354 and 3355. Counsel for State has no objection. Exhibits 3354 and 3355 are admitted.

Court and Counsel meet at sidebar, off the record, outside the presence of the Jury Panel to discuss questions from the Jury Panel.

Court relays the questions to the witness.

Counsel agree to the admission of exhibit 3276. Exhibit 3276 is admitted.

Court and Counsel meet at sidebar, off the record, to discuss another question from the Jury Panel.

Court relays the question to the witness.

Witness is excused, however; is subject to recall.

Court notes, this is the time for the afternoon recess. The Jury Panel is reminded of the admonition and shall return in 20 minutes.

At 2:36 p.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

Parties discuss emails regarding the next witness.

\*\*\*\*\* Recess at 2:55 p.m. \*\*\*\*\*

At 3:38 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Court notes, this is the time for the afternoon recess. Court indicates, it has a reason to speak with each Juror. The Court is asking that each Juror return tomorrow morning at either 9:00 a.m. or 10:00 a.m. The Jury Panel

may stagger themselves so that they may come in at different times tomorrow so that not all Jurors are waiting for a long period of time. The Jurors shall speak with the Bailiff to determine what time they shall be present.

At 3:50 p.m., the Jury Panel exits the Courtroom.

Court and Counsel reconvene with the Defendant present, outside the presence of the Jury Panel.

Court proceeds with a sealed portion of today's hearing.

cc: Dean Trebesch (Contract Administrator) (PD) (e)  
Christopher DuPont, Trautman DuPont PLC,  
Counsel for Victims Charlotte and Katherine DeMocker  
YCSO – Detention Records (e)  
Victim Services (e)  
John Napper, Counsel for Renee Girard(e)  
Division 6